IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 1198 of 2004(P)

PETITIONER:

K.B.PRABHAKARAN, SON OF KOTTAN,
KUTTIYATTU BHANDARAPURAYIL, PERUVAMBA,
P.O. OLAMBADY, KANNUR DISTRICT.

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH
SRI.M.HARISHARMA
SRI.T.P.ELDHOSE

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
KANNUR.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
TALIPARAMBA.

3. THE SUB INSPECTOR OF POLICE,
PAYANGADI.

4. K.V.PURUSHOTHAMAN, S/O. GOVINDA PANICKER
KADANNAPPILLY AMSOM & DESOM, PAYANGADI.

5. KOYAKKEEL BALAKRISHNAN, S/O.KANDANKORAN,
KADANNAPPILLY AMSOM & DESOM, PAYANGADI.

6. O.V.SREEDHARAN, S/O. KUNHIRAMAN,
KADNNAPPILLY AMSOM & DESOM, PAYANGADI.

7. MOHANAN, S/O. MANGADI SANKARAN,
KADANNAPPILLY AMSOM & DESOM, PAYANGADI.

R1 TO 3 BY G.P. SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.1198 of 2004

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Dated this the 22nd day of March, 2007.

JUDGMENT

Even though allegation is that respondents 4 to 7 committed theft of teak trees from petitioner's property, Government Pleader submitted that dispute is purely civil in nature and is between temple authorities and petitioner pertaining to title of the property wherefrom teak trees are cut. If this is the nature of dispute, then it is for the petitioner to seek remedy before civil court including compensation against respondents, if they were not entitled to cut and remove the teak trees and if petitioner had rights over the same. The W.P. is closed leaving freedom to the petitioner to pursue remedies before the civil court.

C.N.RAMACHANDRAN NAIR
Judge

pms